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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,389	06/23/2000	Vladimir Neyman	P/3331-141	1098

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/603,389	Applicant(s) NEYMAN ET AL.	
	Examiner Stefano Karmis	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 37-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33, 37-46 and 48-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's arguments filed on 15 December 2005.

Status of Claims

2. Claims 1, 2, 15, 17-19, 26, 30, 31, 37-46 and 48-52 are previously presented. Claims 3-14, 16, 20-25, 27-29, 32 and 33 are originally filed. Claims 34-36 and 47 are previously cancelled. Therefore claims 1-33, 37-46 and 48-52 are currently pending.

Response to Arguments

3. Applicant's arguments filed 15 December 2005 have been fully considered but they are not persuasive as discussed below. Therefore claims 1-33, 37-46 and 48-52 are rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-33, 37-46 and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togher et al. (hereinafter Togher) U.S. Patent 5,375,055 in view of Breen et al. (hereinafter Breen) U.S. Patent 6,615,188.

Claims 1-33, 37-46 and 48-52 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Togher et al. (hereinafter Togher) U.S. Patent 5,375,055 in view of Breen et al. (hereinafter Breen) U.S. Patent 6,615,188 in the previous office action, mailed 17 June 2005. Regarding independent claim 1, Applicant submits that the prior art of record fails to teach (a) at least one order input means being operable to allow a trader to input a joint execution order comprising two or more linked orders. The Examiner respectfully disagrees. First, claim 1 merely recites that the order input device is “operable to allow” a trader to enter a joint execution order comprising two or more linked orders. An input device being “operable to allow” a trader to enter a joint execution order comprising two or more linked orders does not actually require

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that an input device perform such function, but instead be capable of performing such an operation. Breen teaches an online trade aggregation system in which orders are combined and executed as a single transaction (Abstract and column 13, lines 20-67) and thus the input terminals would be capable to allow a trader to enter a joint execution order comprising two or more linked orders. Furthermore, Breen at least teaches that multiple orders can be collected at once in a “shopping cart” type database and held for a final checkout by the investor in which he then places a multiple security order available to be aggregated (column 13, lines 20-67). Furthermore, Breen teaches that the trades are submitted at prespecified times of the day and that a customer may agree to hold a trade until a predetermined quantity of orders is received (column 14, lines 20-34), thus the trader is aware that he is entering a joint execution order. For these reasons Breen teaches at least one order input means being operable to allow a trader to input a joint execution order comprising two or more linked orders and Applicant’s arguments are not persuasive.

Applicant also argues that Breen fails to teach (b) means for matching and executing joint execution orders, which performs only one of: executing all of the linked orders of the joint execution order, and rejecting all of the linked orders of the joint execution order. Breen teaches that the orders are executed as a single transaction (column 5, lines 34-47) and therefore the order must either be executed or rejected. If a fractional trade exists, the operator performs a fractional trade so that all trades may be executed (column 9, lines 18-32). Therefore the trading system ensures that all trades will be executed. For these reasons, Breen teaches a means for matching and executing joint execution orders, which performs only one of: executing all of the linked orders of the joint execution order, and rejecting all of the linked orders of the joint execution

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order and Applicant's arguments are not persuasive. Claims 15, 26, 31, 37 and 48-51 contain similar limitations and are rejected under the same reasoning. Dependent claims 2-14, 16-25, 27-30, 32, 33 and 38-46 remain rejected as stated in the previous office action, mailed 17 June 2005. Therefore claims 1-33, 37-46 and 48-52 stand rejected and Applicant's request for allowance is respectfully declined.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
01 March 2006



HANI M. KAZIMI
PRIMARY EXAMINER